



ATTACHMENT A Remarks

This Request for Continued Examination is being filed in order to amend the claims in order to advance the prosecution of this application. Independent claims 1 and 6, as amended, and their dependent claims 3-5 and 8-11 are now present in this application.

The present invention includes, among other things, a tab portion hinged along a radial line and extending in a circumferential direction to a free end whereat it covers the aperture. This is clearly distinguishable from the Polo reference which includes a 180° flip-up portion, hinged at both ends, with the central part thereof covering the aperture. Pettersen is also unrelated to the present invention in that it includes a cover hinged about an axis located along the circumference of the container. Chen is no more relevant than Pettersen in that it shows a plurality of covers rather than a single cover, every one of which is hinged along the circumference.

Although it is believed that the applied references cannot be properly combined to anticipate even the prior claims, in order to advance the prosecution of this application, Applicants are amending the independent claims 1 and 6 to more clearly define the nature of the tab as hinged along a radial line and extending in a circumferential direction toward a free end which covers the aperture.

As the invention is now more clearly defined in these claims, it is respectfully submitted that the claims cannot properly be rejected based on § 102 or § 103 in view of any of the references of record.

In view of the above, it is respectfully submitted that this application is now in condition for allowance, which action is promptly and respectfully solicited.



ATTACHMENT B

Amendments to the Claims

Please cancel claims 2, and 14-19 without prejudice or disclaimer.

This listing of claims will replace all prior versions, and listings, of claims in the application.

1. (Currently Amended) A dispensing container comprising:
a toroidal-shaped body having a hollow interior and having a top surface with an aperture; and

a lid having a tab portion hinged to an actuator portion at a radial hinge located on a radius of the body and covering a portion of said top surface, said tab portion extending circumferentially from said radial hinge a distance less than 90° around said top surface to a free end positioned and dimensioned to cover said aperture, said actuator portion being depressable to cause said tab portion to pivot about said radial hinge away from said aperture for gaining access to said hollow interior.

2. (Canceled)

3. (Original) The container of claim 1, wherein said actuator portion is offset below a lid top surface.

4. (Original) The container of claim 1, wherein the outer surfaces of said top and bottom surfaces are concave.

5. (Original) The container of claim 1, wherein said tab portion comprises a tab bottom portion abutting an engaging surface of said top surface, whereby said tab bottom portion pivotally pivots about said engaging surface when said actuator portion is depressed, thereby causing said tab portion to pivot away from said aperture.

6. (Currently Amended) A dispensing container comprising:
a toroidal-shaped body having a top surface, a bottom surface, and opposing outer and inner sidewalls defining a hollow interior with a central void, said top surface having an aperture; and

a lid having a tab portion hinged to an actuator portion at a radial hinge located on a radius of the body and covering a portion of said top surface, said tab portion extending circumferentially from said radial hinge a distance less than 180° around said top surface to a free end positioned and dimensioned to cover said aperture and terminating at substantially the edge of said aperture, said actuator portion being depressable to cause said tab portion to pivot about said radial hinge away from said aperture for gaining access to said hollow interior.

7. (Canceled)

8. (Original) The container of claim 6, wherein said actuator portion is offset below a lid top surface.

9. (Original) The container of claim 6, wherein said bottom surface, a portion said top surface and a lid top surface are concave.

10. (Original) The container of claim 6, wherein said opposing outer and inner sidewalls are cylindrical and coaxial.

11. (Original) The container of claim 6, wherein said tab portion comprises a tab bottom portion abutting an engaging surface of said top surface, whereby said tab bottom portion pivotally pivots along said engaging surface when said actuator portion is depressed, thereby causing said tab portion pivot away from said aperture.

12-19. (Canceled)